

ADVANCE RULING IN GST
(JANUARY 2020 - MARCH 2020)

<u>Name of Applicant</u>	<u>Industry</u>	<u>Order No. & Date</u>	<u>Case History</u>
M/s SLN Tech-Fabs (Bengaluru) Pvt. Ltd.	Transport Solution Service (Karnataka AAR)	KAR/AAR/02/2020 dated 07.01.2020	<ul style="list-style-type: none"> • The applicant is engaged in providing services in the area of Transport Solutions, in the field of fabrication and truck body building area, with the trademark “SLN DIAMOND”, for transport equipments. <u>The following questions have been raised-</u> <ol style="list-style-type: none"> 1. Presently we are charging GST 28% (CGST @ 14% + SGST @ 14%) as per Sl.No. 169 of Schedule-IV to the Notification No.1/2017-CT (R) dated 28.06.2017. Is it correct? Answer- Charging of GST 28% (CGST @ 14% + SGST @ 14%) as per Sl.No. 169 of Schedule-IV to the Notification No.1/ 2017-CT (R) dated 28.06.2017 is correct, if the activity of the applicant is treated as supply of goods, falling under Chapter heading 8707. 2. Can we use SAC 998881 (Notification No.11/2017-Central Tax (Rate) dated 28.06.2017, Sl.No.535 of Annexure? Please confirm. Answer- The activity of fabrication of body building on Tippers, Trailers etc., merits classification under SAC 998881, under “Motor vehicle and trailer manufacturing services”, in terms of Sl.No.535 of Annexure to Notification No. 11/ 2017-Central Tax (Rate) dated 28.06.2017. 3. Can we start charging GST 12% (CGST @ 6% + SGST @ 6%) as per Sl.No.(i)(a)(vi)(n)(id) of Notification No.20/2019-Central Tax (Rate) dated 30.09.2019. Answer- The applicant can start charging GST 18% (CGST @ 9% + SCSl’ @ 9%) as per SLNo. (i)(ic) of Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017, as amended by Notification No. 20/2019-Central Tax (Rate) dated 30.09.2019 read with explanation provided under Notification No. 26/2019 - CT(R) dated 21.11.2019.
In re M V Infra Services Pvt. Ltd.	Works Contract (Karnataka AAR)	KAR ADRG 04/2020 dated 17.02.2020	<ul style="list-style-type: none"> • The applicant is engaged in provision of composite works contract services of erection, foundation, electrical works & painting of communication towers • They are expected to get sub contract work, of imparting training of soft skill development to Engineers, ITI students, Building and other construction workers, from M/s Adityaa Call Centre Private Limited, Bengaluru, who are the main contractor exclusively engaged in skill development training & are likely to get the main contract work. .

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			<p><u>The following question has been raised-</u></p> <ol style="list-style-type: none"> 1. What is the rate of tax applicable on services provided under sub-contract to main contractor, who in turn provides to M/s Maharashtra State Skill Development Society (MSSDS), in respect of training of Building and other construction workers (skill development training) and admissibility of Sl. No. 69 and Sl. No. 72 of the notification 12/2017-Central Tax (Rate) New Delhi, dated 28th June, 2017. <p>Answer- The rate of 18% GST is applicable on services to be provided under subcontract to main contractor, who in turn provides to M/ s Maharashtra State Skill Development Society (MSSDS), in respect of training of Building and other construction workers (skill development training) and the Sl. No. 69 or Sl. No. 72 of the notification 12/2017-Central Tax (Rate) New Delhi, dated 28th June, 2017 are not applicable to the applicant.</p>
<p>Macro Media Digital Imaging Pvt. Ltd</p>	<p>Printing Business (Karnataka AAR)</p>	<p>KAR ADRG 06/2020 dated 17.02.2020</p>	<ul style="list-style-type: none"> • The applicant is engaged in the business of printing of trade advertising material (Billboards, Building Wraps, Fleet Graphics, Window Graphics, Trade Show Graphics, Office Branding, In-store Branding, Banners, Free Standing Display Units and Signage Graphics), for which required raw materials such as poly vinyl, flex, paper, cloth printing inks etc., are procured by themselves. • The activity of printing is based on specifications provided by the clients in terms of design, size, material etc. • The design and graphics of the advertisements are not done by the applicant but are provided by the customers themselves. <u>The following questions have been raised-</u> <ol style="list-style-type: none"> 1. Whether the transaction of printing of content provided by the customer, on Poly Vinyl Chloride (PVC) banners and supply of such printed trade advertisement material is supply of goods. <p>Answer- The transaction of printing of content provided by the customer, on Poly Vinyl Chloride (PVC) banners and supply of such printed trade advertisement material is supply of service.</p> <ol style="list-style-type: none"> 2. What is the classification of such trade advertisement material if the transaction is supply of goods? <p>Answer- The classification of aforesaid supply of service is 9989 of the scheme of classification of services.</p>

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			<p>3. What is the classification and applicable rate of CGST on the supply of such trade advertisement material if the transaction is that of supply of service?</p> <p>Answer- The applicable rate of GST on the supply of aforesaid service is 18% up to 30.10.2017 & 12% effective from 31.10.2017, as per Entry No.27 of the Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017, as amended.</p>
M/s Karnataka State Electronics Development Corporation Limited	Electricity Service (Karnataka AAR)	KAR/07/2020 dated 10.03.2020	<ul style="list-style-type: none"> • The applicant , a Karnataka State Government Entity, is engaged into providing street lighting services, under the Energy Performance Contract (ESCO contract) to the Thane Municipal Corporation (TMC) for a period of 7 years. • The ESCO contract is on shared saving model and is to reduce the overall consumption of electricity in street lighting. • The street light poles and the old street lights will continue to remain under the ownership of TMC. <p><u>The following questions have been raised-</u></p> <p>1. Whether the street lighting activity under the Energy Performance Contract dated 05.12.2016 is to be considered as Supply of goods or a Supply of Services under the CGST / KGST Act 2017? Accordingly, whether the transaction can be sub-classified as a 'Pure Supply of Service' or 'Pure Supply of goods' or 'Composite Supply of goods and services being a works contract'?</p> <p>Answer- The street lighting activity under the Energy Performance Contract dated 05.12.2016 amounts to composite supply where the principal supply is that of supply of goods.</p> <p>2. What is the rate of tax applicable on this transaction? Whether the applicant is entitled to the benefit of exemption under entry 3 or 3A of Notification No.12/2017-Central Tax (Rate) dated 28.06.2017, as amended? If not, what is the applicable rate of tax?</p> <p>Answer- The rate of tax applicable on this transaction is 12% (CGST-6% 86 SGST-6%), in terms of Si. No. 226 of Schedule II to the Notification No. 1/2017-Central Tax (Rate) dated 28.06.2017, as amended. Further, the applicant is not entitled to the benefit of exemption under entry 3 or 3A of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017, as amended, as the impugned supply is not that of pure services.</p>

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			<p>3. If the transaction is treated as supply of services, what is the time of supply of such services? Whether KEONICS is liable to tax only once the energy saved is certified by the energy auditor? Whether amount credited in joint ESCROW account can be termed as 'receipt' especially because the said amount is not under control of KEONICS until the conditions are met?</p> <p>Answer- The instant transaction amounts to a composite supply, with supply of goods being principal supply and hence the impugned question is redundant.</p> <p>4. Without prejudice to above submissions, if the transaction is treated as a supply of goods, what is the time of supply of such supply? Whether KEONICS would be liable to tax only at the time when the possession and ownership in goods are vested to TMC at the end of tenure? What would be the value of the aforesaid taxable supply given the fact that it is based on energy savings which can be computed only when the energy auditor certifies the workings submitted by KEONICS ?</p> <p>Answer- The time of supply is the date of invoice and the consideration is equal to the value of the invoice, the GST rate being 12%.</p>
M/s Fom Aluminium Machines Pvt. Ltd	Importer & Trader of Aluminium working machinery (Karnataka AAR)	KAR/09/2020 dated 12.03.2020	<ul style="list-style-type: none"> • The applicant is engaged in importing & trading of Aluminium working machinery • They import machines from their parent company in Italy and market the same in domestic area • They have only one office in Bangalore in India to cater across the country. They are engaged in Sales, Service &, Admn. Personnel to run the business. <u>The following questions have been raised-</u> <p>1. Is Our Export of Services attract IGST under RCM Answer- Export of services by the applicant, if any, do not attract IGST under RCM, as the applicant becomes supplier for the said services.</p> <p>2. Is our Services considered as Intermediary Services Answer- The services being provided by the applicant are squarely covered under the Intermediary Services and accordingly are taxable under forward charge mechanism, in the hands of the applicant.</p> <p>3. Is IGST paid under RCM eligible to ITC Answer- The payment of IGST under RCM does not arise as the applicant is a supplier but not the recipient of import</p>

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M/s Karnataka Solar Power Development	Solar Power Distributor (Karnataka AAR)	KAR/10/2020 dated 18.03.2020	<p>of services.</p> <ul style="list-style-type: none"> • The applicant is a joint venture company of M/s Solar Energy Corporation of India (SECI), Government of India and Karnataka Renewable Energy Development Limited (KREDL) of Government of Karnataka • The applicant company was formed to establish 2000 MW solar park in Tumkur District of Karnataka. • They obtained lands on lease basis from the farmers of 5 villages for a period of 28 years and sub-let the said lands to the Solar Power Developers (SPD) to install the solar panels for generation of solar power, for 28 years. • The said project is approved by the Ministry of New & Renewable Energy • As per its guidelines, after commissioning of solar projects by SPDs, an amount of Rs.5,00,000/- per MW should be collected in 5 equal yearly installments of Rs.1,00,000/- each by the Applicant, from SPDs, towards Local Area Development Fund, intended to rehabilitation of the affected area. The fund is kept in a separate account as Local Area Development Fund by SPPD i.e. the applicant. • A committee under the chairmanship of District Commissioner, Tumkur, in which the CEO of the applicant is a member convener, carries on the local area development works of the said 5 villages under village panchayats, as per the guidelines of MNRE, on utilisation of the said fund. • The rehabilitation work would be in the nature of laying of metal roads, area drainage, schools, dispensaries, community centre, water supply, education etc., • The applicant submits that the said fund is not related to any supply made by the applicant to the SPDs, not an income to the applicant, but intended to be utilised for development works, in the interest of villages. <u>The following questions have been raised-</u> <ol style="list-style-type: none"> 1. Whether the amount collected towards Local Area Development Fund, which is kept separately and used for development of the affected area as per the guidelines of MNRE, can be treated as not a supply as per the provisions of CGST/KGST/IGST
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			<p>Act 2017 and not levied to tax? Answer- The amount collected by the applicant towards LAD fund forms part of value of supply of rental/leasing service and hence is taxable under forward charge mechanism.</p> <p>2. Without prejudice to the above, if it is treated as Supply, what will be the HSN/SAC code under which it would be levied to Tax? Answer- The applicable SAC for the impugned activity is 997212.</p> <p>3. Without prejudice to the above, if it is treated as Supply, will it be exempt a per Sl.No.3 or 3A of Notfn.12/2017-CT (R) as the activities to be carried out are covered under Article 243 G and / or Article 243 W of the constitution of India? Answer- The exemption under S1.No.3 or 3A of Notification 12/2017-Central Tax (Rate) dated 28.06.2017 is not applicable in the impugned activity, as it is not qualify to be a pure service, provided to Central Government, State Government or Union Territory or Local Authority or a Government Entity by way of any activity in relation to any function under article 243 G or 243 W of the Constitution of India. Payment of GST, under Reverse Charge Mechanism (RCM), under Entry 5 of Notification No.13/2017-Central Tax (Rate) dated 28.06.2017, on the payments made at the direction of the Committee formed for Local Area Development be considered as service rendered by Government to Applicant, is not applicable to the instant case, as the Government of Karnataka / Local Authority are not involved in provision of any service.</p>
M/s Cosme Costa and Sons	Iron Industry (GOA AAR)	GOA/GAAR/04 OF 2019-20/3118 dated 28.02.2020	<ul style="list-style-type: none"> • The applicant is engaged in the business of extraction and sale of iron ore rom GAVAL SONSHI MINE located at Pissurlem Village in North Goa • The operations conducted in relation to the extraction include the activity of raising excavating, stacking of iron ore and delivering the extracted crude iron ore at Pit head. • The following statutory payments are required to be made by the applicant in order to extraction and sale of iron ore:- <ul style="list-style-type: none"> a) The applicant has to pay royalty as a statutory payment to the State Government of Goa at the rate of 15% of the average sale price of iron ore, as a consideration for right to extract iron ore, in accordance with the provisions of the Mines and

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M/s Clay Crafts India Pvt. Ltd.	Clay Craft Manufacturer (Rajasthan AAR)	RAJ/AAR/2019-20/33 Dated 20.02 .2020	<ul style="list-style-type: none"> • The applicant is engaged in the manufacture of bone China Crockery, Transfer Sheet Decalomania, other Utensils Item and Moulds & Die • He is availing Input credit on inputs as well as input services used in or in relation to manufacture of

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			<p>final product</p> <ul style="list-style-type: none"> The directors of the company are the employees of the company and are working as such besides being Director of the company. The company is deducting TDS on their salary and PF laws are also applicable to their service. <u>The following questions have been raised-</u> <ol style="list-style-type: none"> Whether GST is payable under Reverse Charge Mechanism (RCM) the salary paid to Director of the company who is paid salary as per contract. <p>Answer- The consideration paid to the Directors by the applicant company will attract GST under reverse charge mechanism as it is covered under entry No. 6 of Notification No. 13/2017 Central Tax (Rate) dated 28.06.2017 issued under Section 9(3) of the CGST Act, 2017.</p> <ol style="list-style-type: none"> Whether the situation would change from (a) above if the Director also is a part time Director in other company <p>Answer- Situation will remain same as (a) above and will attract GST under reverse charge mechanism.</p>
M/s Latest Development Advisory Ltd.	Maintenance Service Provider (Rajasthan AAR)	RAJ/AAR/2019-20/ 32 Dated 07.02. 2020	<ul style="list-style-type: none"> The Applicant proposes to engage in the business of providing maintenance services to housing societies For the purpose of providing maintenance services, the Applicant will enter into an agreement (<i>hereinafter referred to as 'Contract i'</i>) with the Society / Owners' Association ('Association') / individual Customers. The maintenance services embody services for Common Area Maintenance ('CAM'), and the Applicant levies goods and services tax ('GST') for provision of such services. With respect to one of the Projects which is located in an area which lacks proper water supply, it is likely that the Society / Customers may request the Applicant to check with the individual members / them on the need for water supply arrangement. In pursuant thereto, the Applicant will enter into a contract [<i>hereinafter referred to as 'Contract II'</i>] with the individual members (hereinafter known as the 'Customer') for supply of water for personal use. <u>The following question has been raised-</u> <ol style="list-style-type: none"> Whether the applicant is required to pay GST on water charges collected from the customers for supply of water under Contract II? <p>Answer- Contract-I and Contract-II appears to be directly</p>

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			linked with each other as there is no case of direct supply of water by the applicant to the individual residents of the society therefore the applicant is required to pay GST as applicable on Contract-I.
M/s. The Indian Hume Pipe Company Limited	Construction Service (Tamilnadu AAR)	TN/07/AAR/2020 dated 31.01.2020	<ul style="list-style-type: none"> • The applicant undertakes contracts for construction of Head works, Sumps, Pump Rooms, laying, jointing of pipe line and commissioning and maintenance of entire work for water supply projects/ sewage projects. • The Applicant has stated that they have been awarded contracts for water supply schemes by the Tamil Nadu Water Supply and Drainage Board. • They have further stated that for operating and maintaining the water supply scheme they generally do not require any goods of substantial amount. • Basically it is for maintaining the water supply scheme in proper manner and attending to any defects arisen during the course. • Therefore, the Labour portion is more than 75% of the total amount appropriated for maintenance. . <u>The following questions have been raised-</u> <p>1. Whether Notification No,12/2017- CT(R) as amended by Notification No. 02/2018- C.T.(R) dated 25.01.2018 S.No.3A is applicable to operation and maintenance part of Contract/s entered prior to implementation of GST?</p> <p>Answer- The exemption from CGST under Sl.No. 34, of the Notification No. 72/2017- CT (Rate) dated 28th June 2017 as amended and exemption from SGST under Sl.No. 3A of the c.O. (Ms) No. 73 dated 29.06.2017 No.II (21/CTR/532(d-15)/2017 as amended is applicable to the applicant in respect of the 'Operation and Maintenance' part of Contract entered into by them with TWAD in respect of the Agreement No. CE/TNJ/28/2013-74 dated 03.03.2014 to that extent for which bills/invoices are raised after 25.07.2018 and provided the value of supply of goods in each such bill did not constitute more than 25 percent of the value of supplies undertaken by them.</p> <p>2. Whether Notification No.12/2017-CT(R) as amended by Notification No. 02/2018-CT(R) dated 25.01.2018 S.No.3A is applicable to operation and maintenance part of contract/s entered post implementation of GST?</p> <p>Answer- The exemption from CGST under Sl.No. 3A of the Notification No. 12/2017' CT (Rate) dated 28th June</p>

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			2077 as amended and exemption from SGST under Sl.No. 3A of the G.O. (Ms) No. 73 dated 29.06.2017 No.II (2)/CTR/532(d-I5) 2017 as amended is applicable to the applicant in respect of the 'Operation and Maintenance' part of Contract entered into by them with TWAD in respect of the Agreement No. CE/CBE/16/2017-2018 dated 05.07.2017 provided the value of supply of goods involved in each such bill did not constitute more than 25 percent of the value of supplies undertaken by them.
Electroplating And Metal Finishers	Zinc Plating (Tamilnadu AAR)	TN/06/AAR/2020 dated 31.01.2020	<ul style="list-style-type: none"> The applicant is one of the electroplaters in Chennai and doing Zinc Plating for their customers in Automobile, General Engineering and Electrical & Electronic Industries. <u>The following questions have been raised-</u> <p>1. Rate of Tax on GST for Plating.</p> <p>Answer- The applicable rate of tax is 9% CGST vide Sl. No. 26 of Notification No. 11/2017-C.T.(Rate) dated 28.06.2017 as amended and 9% SGST vide entry No. 26 of Notification No. II(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended for the period upto 30.09.2019 irrespective of whether the goods are owned by Registered or Unregistered persons as given in the Table above.</p> <p>For the period from 01.10.2019, in case</p> <p>a. The goods are belonging to another Registered person, the applicable rate of tax, is 6% CGST vide entry Sl.No. 26(id) of Notification No. 11/2017-C.T.(Rate) dated 28.06.2017 as amended and 6% SGST vide No. 26(id) of Notification No. I1(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended.</p> <p>b. The goods are owned by unregistered persons, the applicable rate of tax is 9% CGST vide Sl.No. 26(iv) of Notification No. 11/2017- T.(Rate) dated 28.06.2017 as amended and 9% SGST vide Sl.No. 26(iv) of Notification No. II(2)/CTR/532(d-14)/2017 vide G.O. (Ms) No. 72 dated 29.06.2017 as amended.</p> <p>2. SAC Number for Plating.</p> <p>Answer- The activity of electroplating undertaken by the applicant is 'Supply of service' and is classifiable under Heading '9988- Manufacturing services on Physical Inputs owned by others'.</p>
Automotive Components Technology India	Automotive Components Supplier (Tamilnadu AAR)	TN/05/AAR/2020 dated 31.01.2020	<ul style="list-style-type: none"> The applicant has stated that they are engaged in the supply of automotive components such as door locks and strikers for various sectors of the automotive industry. They entered into a contract agreeing to supply

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Private Limited			<p>certain parts, including the moulds to an Indian company of Tamil Nadu.</p> <ul style="list-style-type: none"> • They place an order for manufacturing the said parts and moulds on a Thailand Company • Accordingly, the foreign supplier manufactures the parts and the same are physically imported into India. • However, the moulds developed by the foreign supplier are retained in Thailand and are not physically imported into India. Thus, there is only a transfer of ownership in the mould from the foreign supplier to Applicant and the foreign supplier retains the physical possession of the moulds. • With regard to the invoicing, the foreign supplier raises an invoice on the Applicant for the parts and moulds separately. • Similarly, the Applicant raises separate invoices on the Indian buyer i.e., one for the supply of parts and another for transfer of ownership of the moulds from the Applicant to the Indian buyer. • Thus, with regard to the moulds, there are two transactions involved in the present case: <ul style="list-style-type: none"> A) Transfer of title in moulds from the foreign supplier to the Applicant. B) Transfer of title in moulds from the Applicant to the Indian buyer. • <u>The following questions have been raised-</u> <ol style="list-style-type: none"> 1. Whether GST will be applicable on the transfer of title in moulds from applicant to Indian buyer? <p>Answer- GST is applicable on the transfer of title in moulds from the applicant to the India buyer</p> <ol style="list-style-type: none"> 2. If yes, whether the Indian buyer would be eligible to take credit of the GST paid to the applicant for said purchase? <p>Answer- The question is not answered as the same is not in the ambit of this authority as per Section 97(2) of the Act.</p>
Ponraj (Proprietor M/s PPP Associates)	Bag Manufacturer (Tamilnadu AAR)	TN/04/AAR/2020 dated 31.01.2020	<ul style="list-style-type: none"> • The applicant is engaged in manufacturing of sacks and bags of Non-woven Rice Bag. • They purchase non-woven fabric rolls made of 100% polypropylene fiber. <u>The following question has been raised-</u> <ol style="list-style-type: none"> 1. Whether the category of product “Non-woven PP Rice Bags / Sacs” falls under the classification of HSN 63053300 and its applicable of rate of tax is at 5%?

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			<p>Answer- The Non-woven fabric bags called as 'Rice Bag' falls under HSN 63053300.</p> <p>The applicable rate for the bag of value not exceeding Rs.1000 per piece is 2.5% CGST as per Sl.No. 224 of schedule I of Notification No 1/2017-C.T.(Rate) dated 28.06.2017 and 2.5% SGST as per S.No. 224 of Schedule-I of G.O.(Ms.) No. 62 dated 29.06.2017 No. II(2)/CTR/532(d-4)/2017 upto 30.09.2019 and thereupon upto 31.12.2019, the applicable rate is 6% CGST as per Sl.No. 80AA of Schedule II of Notification no. 01/2017-C.T(Rate) dated 28.06.2017 as amended and 6% SGST as per S.No. 80AA of Schedule-II of G.O. (Ms.) No. 62 dated 29.06.2017 as amended and effective 01.01.2020, the applicable rate is 9% CGST as per Sl.No. 163B of Schedule III of Notification no. 01/2017-C.T.(Rate) date 28.06.2017 as amended by Notification no.27/2019-C.T.(Rate) dated 30.12.2019 and 9% SGST as per S.No. 163B of Schedule-III of G.O. (M.S.) No. 62 dated 29.06.2017 as amended.</p>
<p>Shapoorji Pallonji and Company Private Limited</p>	<p>Composite Works Contract (Tamilnadu AAR)</p>	<p>TN/03/AAR/2020 dated 31.01.2020</p>	<ul style="list-style-type: none"> • The applicant is engaged in the construction business dealing with various clients under composite Works Contracts involving supply of both materials (goods) and service. • The Applicant entered into an agreement with the Christian Medical College, Tamil Nadu,(CMC) for construction of Service and Teaching Facility at CMC. • As per the Agreement CMC was required to pay 'Mobilization Advance' to the applicant, which would be equivalent to 5 percent of the contract price in two tranches of 2.5 percent each totally amounting to Rs. 15,83,72,000/-. • They have also stated that both tranches of 'Mobilization Advance' were paid to them by CMC during the Pre-GST regime. <u>The following questions have been raised-</u> <ol style="list-style-type: none"> 1. Whether the Transitional Provisions under Section 142(11)(c), (Chapter XX) of TNGST Act, 2017/CGST Act, 2017 is correctly applicable for the remaining installments of "Mobilization Advance", which transitioned into the GST regime and to be adjusted/deducted by the applicant post the implementation of GST (i.e. Post July 1, 2017). <p>Answer- The Transitional Provisions under Section 142(11)(c) is not applicable to the case at hand.</p> <ol style="list-style-type: none"> 2. Whether, the applicant would be liable to pay GST,

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			<p>under the provisions of the TNGST Act, 2017/CGST Act, 2017 and allied laws, on the installments of the 'Mobilization Advance', which has transitioned into the GST regime and adjusted /deducted by the applicant post the implementation of GST (i.e. post July 1, 2017).</p> <p>Answer- The Mobilization advance to the extent received prior to the implementation of GST towards supply of Works Contract Service is not to be subjected to GST as per the provisions of Section 142(11)(b) of the GST Act 2017.</p> <p>3. Whether, the applicant would be eligible to avail Input tax Credit (ITC) on Service Tax paid which was transferred from Pre-GST period through TRAN-1 Return filed in terms of the section 142(11)(c), under Transitional Provisions (Chapter XX) of both TNGST Act, 2017/CGST Act, 2017.</p> <p>Answer- The eligibility to credit based on the transitional provisions is not answered as the same is not covered under the questions on which advance Ruling can be sought under Section 97(21) of the Act.</p>
M/s Rajeev Bansal and Sudershan Mittal	Construction Business (Uttarakhand AAR)	UK/10/2019-20 dated 09.01.2020	<ul style="list-style-type: none"> • the applicant is carrying on the business of constructing residential/commercial complexes and selling thereof • the applicant has sold the under-construction building, as a whole with its all assets and transfer the rights of the same to the buyer including the approved map from the competent authority. • The buyer has purchased the under-construction building/business to carry on the same kind of business as the purchaser themselves engaged in constructing residential/commercial complexes and selling thereof . • Further as on date it is found that there is no series of immediately consecutive transfers of the said business. <u>The following questions have been raised-</u> <p>1. Whether business transfer agreement as a going concern which consists of transferring under construction building project is covered under S. No. 12 of the Notification No. 12/2017 Central Tax (Rate) and its thus exempt from the applicability of GST?</p> <p>Answer- In view of the above discussion we hold that transfer of Business in question shall be treated as a going concern and is exempted from GST as on date in</p>

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			terms of serial no. 2 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 (as amended from time to time).
M/s Bharat Heavy Electrical Limited	PSU Sector (Uttarakhand AAR)	UK/09/2019-20 dated 08.01.2020	<ul style="list-style-type: none"> • <u>The following questions have been raised-</u> a. In case where goods are supplied within India and billing is to be done in foreign currency, which exchange rate to be applied rate prescribed for export of goods or for import of goods; b. Any other clarification regarding application of rate to convert foreign currency into Indian rupees to pay GST <p>Statement of relevant facts having a bearing on the question(s) raised?</p> <p>Answer- The value of goods, supplied within India and billing done in foreign currency, shall be determine under Rule 34 of COST Rules, 2017 and rate of exchange for imported goods as notified by the Board under section 14 of the Customs Act, 1962 shall be applicable to the present case</p>
M/s Ajay Kumar Dabral	Mineral Extraction (Uttarakhand AAR)	UK/08/2019-20 dated 06.01.2020	<ul style="list-style-type: none"> • MOUs were signed between GMVN & the applicant. • The applicant had been permitted to extract accessory minerals (sand, gravel , boulder) from the Khasra nos specified therein; • Extraction of accessory minerals will be done manually only; • Monthly installment shall be paid by the applicant by 5th of said month; • The royalty shall be paid to Mineral Department from the monthly installments received from the applicant • The vehicles registered with Mineral Department shall only be allowed to transport accessory minerals (sand, gravel , boulder) • GST, Income Tax TCS and other fees shall be paid by the applicant • Validity of both the agreements/contracts is upto 30.06.2018.<u>The following questions have been raised-</u> <ol style="list-style-type: none"> 1. What is the classification of the service provided by Garhwal Mandal Vikas Nigam to M/s Ajay Kumar Dabral in accordance with notification No. 11/2017 Central Tax (Rate)? 2. What is the Rate of GST on given service for which

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			<p>royalty is being paid?</p> <p>Answer- (i) The services rendered by GMVN is covered under serial no. 257 of Annexure appended to Notification No. 11/2017-Central Tax (Rate) dated 06.2017 (amended from time to time) as “Licensing services for the right to use minerals including its exploration and evaluation”.</p> <p>(ii) The service namely “Licensing services for the right to use minerals including its exploration and evaluation” is classified under Service Code (Tariff) 997337.</p> <p>(iii) The services rendered by M/s GMVN to the applicant during the period Q1.07.2017 to 31.12.2018 attract GST at the same rate of central tax as on supply of like goods involving transfe of title in goods i.e 5%.</p>
M/s Kuldeep Singh Batola	Licensing Services (Uttarakhand AAR)	UK/07/2019-20 dated 06.01.2020	<ul style="list-style-type: none"> • <u>The following questions have been raised-</u> 1. What is the rate of duty on Licensing Services for the right to use minerals including its exploration and evaluation? 2. For which royalty is being paid in terms of notification No. 11/2017 Central Tax (Rate) <p>Answer- The services rendered by M/s GMVN to the applicant during the period 01.07.2017 to 31.12.2018 attract GST at the same rate of central tax as on supply of like goods involving transfer of title in goods.</p>
ABB India Limited	Technology Service Provider (W.B AAR)	47/WBAAR/20 19-20 dated 20.03.2020	<ul style="list-style-type: none"> • The Applicant is stated to be engaged in the activity of providing technological and system solutions, including electrification, industrial automation, motion and robotics, data management and production control systems. • Rail Vikas Nigam Ltd (hereinafter RVNL) has awarded it the contract for ‘extension of SCADA(Supervisory Control and Data Acquisition) for Noapara – Dakshineswar Metro Corridor’. <u>The following question has been raised-</u> 1. Whether entry no 3(v) of Notification 11/2017 CT® dated 28/06/2017, as amended time to time, applicable to applicant's supply to RVNL <p>Answer- The Applicant is making a composite supply of works contract taxable under Entry No. 3 (v) (a) of Notification No. 11/2017 — Central Tax (Rate) dated 28/06/2017 (State Notification No. 1135-FT dated 28/06/2017), as amended, being erection, commissioning and installation of original work pertaining to railways, including metro.</p> <p>This Ruling is valid subject to the provisions void under Section 104(1) of the GST Act.</p>
OPTM	Medical Service	46/WBAAR/20	<ul style="list-style-type: none"> • The Applicant administers certain plant-based

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Health Care Private Limited	Provider (W.B AAR)	19-20 dated 20.03.2020	<p>medications for the treatment of osteoarthritis and disorders of similar nature.</p> <ul style="list-style-type: none"> The medicaments are not supplied standalone, but ancillary to the supply of health care service. It is a composite supply of health care service called 'phytotherapy'. Applicant further submits that 'phytotherapy' is a treatment based on the ayurvedic system of medicine. . <u>The following question has been raised-</u> <ol style="list-style-type: none"> Whether treatment called Phytotherapy is exempted in GST and whether the applicant needs to be registered? <p>Answer- The Applicant's supply is not exempt under Entry No. 74 of the Exemption Notification. It, therefore, needs to remain registered, as its liability to pay GST does not cease.</p> <p>This Ruling is valid subject to the provisions under Section 103 until and unless declared</p>
Swapna Printing Works Pvt. Ltd.	Printing Business (W.B AAR)	45/WBAAR/20 19-20 dated 06.03.2020	<ul style="list-style-type: none"> The Applicant, is engaged in the business of printing Hope Foundation Inc, a foreign entity based in the United States of America, awards the Applicant a contract for printing booklets in various Indian languages. The Applicant consideration in US dollars. <u>The following question has been raised-</u> <ol style="list-style-type: none"> Whether activity of printing for foreign buyer is taxable in GST? <p>Answer- The Applicant's supply of the composite printing service is taxable under SI No. 27(i) of Notification No. 11/2017 — Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1135 — FT dated 28/06/2017) or SI No. 27 of Notification No. 8/2017 — Integrated Tax (Rate) dated 28/06/2017, as the case may be.</p> <p>This Ruling is valid subject to the provisions under Section 103 until and unless declared void under Section 104(1) of the GST Act.</p>
Dynamic Engineers	Waste Management Service Provider (W.B AAR)	44/WBAAR/20 19-20 dated 06.03.2020	<ul style="list-style-type: none"> The Applicant is stated to be providing conservancy/solid waste management service to the Howrah Municipal Corporation (HMC). The HMC, however, is deducting TDS while paying consideration for the above supply. <u>The following question has been raised-</u> <ol style="list-style-type: none"> Whether conservancy services to HMC is exempted in GST and whether TDS notification is

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			<p>applicable to them?</p> <p>Answer- The Applicant's supply to the Howrah Municipal Corporation, as described in para 4.5, is exempt from the payment of GST under SI No. 3 of Notification No. 12/2017-Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1136 — FT dated 28/06/2017), as amended from time to time.</p> <p>As the Applicant is making an exempt supply, the provisions of section 51 and, for that matter, Notification No. 50/2018 — Central Tax dated 13/09/2018 (corresponding State Notification No. 1344 — FT dated 13/09/2018) and State Government Order No. 6284 — F(Y) dated 28/09/2018, to the extent they mandate and deal with the mechanism of TDS, do not apply to his supply.</p> <p>This Ruling is valid subject to the provisions under Section 103 until and unless declared</p>
New Town Kolkata Development Authority	Service Provider (W.B AAR)	42/WBAAR/2019-20 dated 06.03.2020	<ul style="list-style-type: none"> • The Applicant is a statutory authority constituted under the New Town Kolkata Development Authority Act, 2007 (hereinafter the NKDA Act) for providing various civic services and amenities within the local area of New Town, Kolkata. <u>The following question has been raised-</u> <ol style="list-style-type: none"> 1. Whether service supplied by NKDA is exempted in GST and whether the applicant needs to be registered? <p>Answer- The Applicant is a local authority within the meaning of section 2(69) (c) of the GST Act and is entitled to the exemptions available on the services it supplies in terms of the various entries of Notification No 12/2017 Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1136 — FT dated 28/06/2017), as amended time to time.</p> <p>The question of liability for registration is not taken up for ruling, as the Applicant has not pursued the matter in its written submission and in course of the personal hearing.</p> <p>This Ruling is valid subject to the provisions under Section 103 until and unless declared void under Section 104(1) of the GST Act.</p>
M/s Sakshi Jhajharia	Food Grains Supplier (W.B AAR)	41/WBAAR/2019-20 dated 10.02.2020	<ul style="list-style-type: none"> • The Applicant supplied to the State Government the service of crushing food grains. The Government will send to the Applicant the whole, unpolished food grain for processing. • The Applicant will return the grain after crushing. The processed food grain will be used for distribution through the Public Distribution System.

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			<p><u>The following question has been raised-</u></p> <p>1. Whether crushing of grains for distribution through PDS is exempt supply</p> <p>Answer- If the Applicants agreement with the State Government binds both the supplier and the recipient in such a way that neither can divert the food grains to any use other than distribution through PDs, the Applicant's composite supply of crushing the food grains belonging to the State Government and delivery of the crushed grains will be exempt under SI No. 3A of Notification No 12/2017 cT (Rate) dated 28/06/2017 (corresponding State Notification No. 1136 — FT dated 28/06/2017), as amended, provided the proportion of the packing materials in the composite supply in value terms does not exceed 25%.</p> <p>This Ruling is valid subject to the provisions under Section 103 until and unless declared void under Section 104(the GST Act</p>
M/s. Ishan Resins and Paints Ltd	Leasing Service (W.B AAR)	40/WBAAR/2019-20Dtaed 17.01.2020	<ul style="list-style-type: none"> • The Applicant leased trucks or tankers without operator to goods transport agencies (GTK) or any other persons. <u>The following question has been raised-</u> <p>1. Classification of the service of leasing goods vehicles to GTA where the right to use is transferred</p> <p>Answer- The Applicant's service of leasing goods transport vehicles is classifiable under SAC 997311 and taxable under SI No. 17(iii) or Notification No. 11/2017 – CT (Rate) dated 28/06/2017 (corresponding State No. 1135-FT dated 28/06/2017), as amended.</p> <p>The Applicant can claim input tax credit in accordance with law on the goods transport vehicles so leased out.</p> <p>This Ruling is valid subject to the provisions under Section 103 until and unless declared void under Section 104(1) of the GST Act.</p>